THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.24060 of 2005

Date:10.11.2005

K.Chaitanya and others.

--------PETITIONER

The Union of India and others.

---------RESPONDENTS

ORDER:

The petitioners worked as Engineering Graduate Apprentices in B.S.N.L. for a period one year. The respondents issued notification No.1-1/2005, inviting applications for selection of candidates to the posts of Graduate Engineer Junior Telecom Officers. About 3000 vacancies are said to be filled up. The petitioners seek a declaration that the action of the respondents in not following the guidelines issued by the Ministry of Labour in its order, dated 02.04.1983, and the ratio laid down by the Supreme Court in ***U.P. State Road Transport Corporation v. U.P.Parivahan Nigam Shishukhs,*** in the matter of providing preferential treatment for such apprentices, is illegal, arbitrary and unconstitutional.

The learned counsel for the petitioners submits that the petitioners gained substantial experience in B.S.N.L by working as apprentices and thereby they acquired a right to be considered on preferential basis, in the matter of employment.

The learned Standing Counsel for the respondents, on the other hand, submits that there is nothing in the order of the Ministry of Labour or in the Judgment of the Supreme Court in ***U.P. State Road Transport Corporation'***case (1 supra)

to suggest that the apprentices are placed in any higher footing than the non-apprentice candidates. He also contends that the Writ Petition is pre-mature even otherwise.

The respondents issued a notification inviting applications for undertaking recruitment to the posts of Graduate Engineer Junior Telecom Officers. The qualifications for the said posts are indicated therein. The notification is silent as to any preference for apprentices.

A perusal of the order, dated 02.04.1983, issued by the Ministry of Labour or the Judgment of the Supreme Court in ***U.P. State Road Transport Corporation'***case (1 supra) does not disclose that any percentage of posts are to be reserved for apprentices, who had worked in the respective organizations. On the other hand, it was categorically held that the apprentices were also under obligation to undergo the selection process. The only advantage, if one may call it, conferred upon the apprentices is that if there exists a tie between them and non-apprentices, in the matter of selection, it needs to be resolved in favour of the apprentices, on account of their association with the organization at an earlier point of time. Beyond that, the apprentices are not conferred with any preferential rights. The petitioners can certainly participate in the selection process, and the ratio laid down by the Supreme Court in ***U.P. State Road Transport Corporation's*** case (1 supra) or the order passed by the Ministry of Labour would become relevant, only in the event of there existing any tie between the petitioners on the one hand and the non-apprentice candidates on the other. There is no reason to suspect that the respondents do not follow the said norms.

Hence, the Writ Petition is disposed of, leaving it open to the petitioners to participate in the selection process. In case the petitioners feel that the benefit referred to in the above said Judgment of the Supreme Court is not extended to them, it shall be open to them to canvass their rights at the relevant point of time. There shall be no order as to costs.

10.11.2005

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